

### AMENDMENT

Please add the following claims:

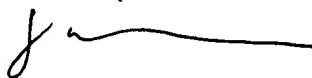
- a!*
- 51. The method of claim 19, wherein said polynucleotide comprises at least 250 contiguous nucleotides of SEQ ID NO:2.
52. The method of claim 19, wherein said polynucleotide comprises at least 500 contiguous nucleotides of SEQ ID NO:2.
53. The method of claim 19, wherein said polynucleotide comprises at least 1000 contiguous nucleotides of SEQ ID NO:2.
54. The method of claim 19, wherein said polynucleotide comprises at least 5000 contiguous nucleotides of SEQ ID NO:2.
55. The method of claim 19, wherein said polynucleotide comprises SEQ ID NO:2.--

### REMARKS

In response to the restriction requirement which the Examiner imposed, Applicants elect, without traverse, to prosecute claims 19-21 and 27-33, *i.e.*, the Group II claims. Applicants have added claims 51-55, which Applicants contend are within the scope of Group II. Applicants note that these added claims correspond to claims 22-26, which erroneously recited an "expression construct" instead of a "method." Support for the added claims can be found in the specification at least at page 6, lines 7-14 and in the originally filed claims. No new matter has been added.

The Examiner is invited to contact the undersigned attorney at (512) 536-3081 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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**APPENDIX A:**

**Claim Amendments (shown) after Response to Restriction Requirement**

51. (New) The method of claim 19, wherein said polynucleotide comprises at least 250 contiguous nucleotides of SEQ ID NO:2.
52. (New) The method of claim 19, wherein said polynucleotide comprises at least 500 contiguous nucleotides of SEQ ID NO:2.
53. (New) The method of claim 19, wherein said polynucleotide comprises at least 1000 contiguous nucleotides of SEQ ID NO:2.
54. (New) The method of claim 19, wherein said polynucleotide comprises at least 5000 contiguous nucleotides of SEQ ID NO:2.
55. (New) The method of claim 19, wherein said polynucleotide comprises SEQ ID NO:2.

**APPENDIX B**

**PENDING CLAIMS AS OF RESPONSE TO RESTRICTION REQUIREMENT**

19. A method of producing a virus comprising:  
introducing into a host cell a viral expression construct comprising a polynucleotide  
encoding a 3' sequence of GBV-B; and  
culturing said host cell under conditions permitting production of a virus from said  
construct.
20. The method of claim 19, wherein said polynucleotide comprises 100 contiguous  
nucleotides from SEQ ID NO:1.
21. The method of claim 20, wherein said polynucleotide comprises SEQ ID NO:1.
27. The method of claim 19, wherein said host cell is a prokaryotic cell.
28. The method of claim 19, wherein said host cell is a eukaryotic cell.
29. The method of claim 28, wherein said host cell is in an animal.
30. The method of claim 19, wherein said polynucleotide comprises synthetic RNA.
31. The method of claim 19, wherein said polynucleotide comprises synthetic DNA.
32. The method of claim 19, further comprising the step of isolating virus from said host cell.
33. The method of claim 32, wherein said virus is purified to homogeneity.
51. The method of claim 19, wherein said polynucleotide comprises at least 250 contiguous  
nucleotides of SEQ ID NO:2.

52. The method of claim 19, wherein said polynucleotide comprises at least 500 contiguous nucleotides of SEQ ID NO:2.
53. The method of claim 19, wherein said polynucleotide comprises at least 1000 contiguous nucleotides of SEQ ID NO:2.
54. The method of claim 19, wherein said polynucleotide comprises at least 5000 contiguous nucleotides of SEQ ID NO:2.
55. The method of claim 19, wherein said polynucleotide comprises SEQ ID NO:2.